

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID ALLEN GILLUM,

Plaintiff,

V.

OWENS, et al.,

Defendant.

CASE NO. C19-1859-RSM-BAT

**ORDER DENYING MOTION FOR
DEFAULT JUDGMENT AS
PREMATURE**

Plaintiff proceeds *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff moves for a default judgment against defendants based on their failure to timely answer the complaint (Dkt. 17). For the reasons below, plaintiff's motion for default judgment (Dkt. 17) is DENIED as premature.

By order dated January 7, 2020, the Court directed service of plaintiff's complaint and allowed for waivers of service of summons to be filed within 30 days. Dkt. 10. The order further directed that "any defendant who timely returns the signed waiver shall have 60 days after the date designated on the notice of lawsuit to file and serve an answer to the complaint or a motion permitted under Rule 12[.]" *Id.* Defendants filed timely waivers of service on January 16, 2020, and February 5, 2020, and therefore had until March 7, 2020, to file an answer to the complaint. Dkts.12, 16. On February 13, 2020, several weeks before defendants' answer was due, plaintiff

1 filed the instant motion for a default judgment against defendants based on their failure to answer
2 or otherwise respond to the complaint. Dkt. 17. On February 18, 2020, defendants filed a timely
3 answer to plaintiff's complaint. Dkt. 18.

4 Plaintiff's motion was filed before the defendants' time to answer had expired. The Court
5 accordingly DENIES the motion (Dkt. 17) as prematurely brought.

6 The Court notes defendants have filed an answer (Dkt. 18) and the Court will accordingly
7 issue a pretrial scheduling order.

8 The Clerk shall provide a copy of this order to the parties.

9 DATED this 19th day of February, 2020.

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11 BRIAN A. TSUCHIDA
12 United States Magistrate Judge